

Do I have a complaint of discrimination?

The Human Rights Bureau only investigates certain types of discrimination. In order to be covered by the protections of state and federal anti-discrimination laws, an adverse action must have been taken on the basis of a person's protected class. The Human Rights Bureau takes complaints of discrimination based on age, race, color, national origin, religion, physical or mental disability, marital status, and sex; (political belief is covered in government service, and familial status is covered in housing).

I thought only women and minorities were covered.

State and federal anti-discrimination laws protect every person in a protected class. Race is a protected class whether it's Native American or Caucasian; Sex is protected, whether you're female or male; and under Montana law people of all ages are protected from discrimination.

What is my deadline for filing a complaint?

A complaint must be filed with the Human Rights Bureau [within 180 days](#) after the alleged unlawful discriminatory act occurred or was discovered. This time may be extended if the charging party has been taking part in an internal grievance procedure or if the party is asserting a violation of the housing provisions.

Do I need an attorney to file a complaint?

No. You do not need an attorney to file a complaint with the Human Rights Bureau. If you are interested in hiring an attorney, consider asking around. Talk to friends and family about attorneys that they may have worked with in the past. Also, you can contact the State Bar of Montana and ask what attorneys practice employment law in your area.

Will the Human Rights Bureau advocate for me during the investigation?

No. The Human Rights Bureau does not work as an advocate for the person filing the complaint or for the person (or entity) against which a complaint has been filed. It's the role of the Human Rights Bureau to be neutral and figure out whether there is reasonable cause to believe that a preponderance of the evidence supports the allegations in the complaint.

Is there a charge for filing a complaint?

No. There is no charge for filing a complaint with the Human Rights Bureau.

Will I recover damages if I file a complaint?

It depends on whether or not you prevail or whether there's an offer and you decide to settle the matter. But, the act of filing a complaint does not insure the recovery of damages.

How long does an investigation take?

The Human Rights Bureau has 180 days to conduct its informal investigation into the allegations set out in the complaint. Of course, it could take less than 180 days depending upon the complexity of the case and the workload of the particular investigator handling the investigation.

I got a cause finding, what does that mean?

If you have received a copy of the investigator's Final Investigative Report and it states that there is reasonable cause to believe that a preponderance of the evidence supports the allegations of your complaint, your complaint will travel forward to [conciliation/settlement agreement](#). If it appears that conciliation is possible, a conciliator will contact the parties and discuss settling the case. At this stage, the conciliator will ask the Respondent to include some type of affirmative relief that will address the findings of the investigator. For example, the Respondent may be asked to provide training or provide the Human Rights Bureau with a copy of its discrimination policies for review and comment. If the case does not conciliate, the original complaint (and nothing but the complaint) is sent to the [Hearings Bureau](#) and the matter proceeds to the contested case hearing phase.

I got a no cause finding, what does that mean?

If you have received a copy of the investigator's Final Investigative Report and it states that there is no reasonable cause to believe that a preponderance of the evidence supports the allegations of your complaint, you can appeal that decision to the Human Rights Commission or you can file your complaint in district court. A party has 14 days to [appeal a no cause](#) finding to the Human Rights Commission. The Commission will review the findings of the Human Rights Bureau and decide whether it "abused its discretion" in dismissing your complaint. If the Commission agrees with you and finds that there has been an abuse of discretion, it can send the matter back to the Hearings Bureau for a contested case hearing on your complaint. If a party wants to file directly in district court, he or she has 90 days to file the complaint.

What is the [Equal Employment Opportunity Commission's](#) involvement in this process?

When a charging party files an employment discrimination complaint and the employer has sufficient employees to be covered by certain federal employment

discrimination laws, a complaint may be “dually filed” with the [Equal Employment Opportunity Commission](#). This means that a charging party has a complaint under both state and federal laws. However, not all types of discrimination are also covered under federal laws. For example, Montana’s discrimination laws protect persons based on marital status, but this is not a protected class under federal employment discrimination laws.

Do you have to inform my employer if I file a complaint?

If you [contact the Human Rights Bureau](#) for information, the Bureau does not inform the employer of your call. It’s our mandate to provide you with neutral and objective information. But, if you choose to file a complaint, the Human Rights Bureau will need to contact the employer and advise that a complaint has been filed and then conduct an inquiry as to the particulars of the complaint.

Can I get fired for filing a complaint of discrimination against my employer?

If your employer were to take action against you simply for filing a complaint of discrimination, you would have the right to file a charge of retaliation. That said, just because you have filed a discrimination complaint does not mean that an employer cannot fire, or otherwise discipline you, for legitimate business reasons unrelated to your complaint.

I thought an employer could fire an employee for any reason during the probationary period?

An employer cannot terminate an employee for discriminatory reasons. It does not matter if the employee is inside a probationary period or not.